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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,816	06/11/2001	Thomas Bert Gorczyca	RD-28,416	6880

7590

12/09/2003

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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ab8

Office Action Summary

Application No.

09/681,816

Applicant(s)

GORCZYCA ET AL.

Examiner

Mathieu D. Vargot

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 24-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Applicant's election without traverse of Group I, claims 1-23 in Paper No. 7 is acknowledged.

2. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites a method for forming an article in line 1 thereof yet the last two lines of the claim recite forming a data storage medium. Applicant should maintain consistent language in the claim as to what is formed. Note further that claim 23 recites what the article is. Correction is required. Claim 3, the recitation "said substantially uniform thickness" technically lacks antecedent basis and should be changed to --said thickness having a variation of less than about 3%-- as set forth in claim 2 or claim 2 needs to be modified with the "substantially uniform thickness" language. In claim 7, "said lapping" also lacks antecedent basis from claim 2--such is first recited in claim 3. Claim 8, last line, --of--should be inserted before "said". Claim 22, line 3, "said support" lacks antecedent basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feist et al (see col. 1, line 62 through col. 2, line 2; col. 5, lines 28+) in view of Japanese Kokai 1-153263.

Feist et al discloses the basic claimed invention including the aspect of minimizing the surface roughness of the insert layer which is either applied directly to the stamper or adhered thereto, the primary reference essentially lacking a clear disclosure of chemically or physically altering the insert layer after it has been formulated—ie, the exposed surface thereof. Japanese –263 discloses grinding or lapping the rear surface of a stamper to ensure that the stamper has a uniform thickness, with such operation occurring on what would be the exposed surface of the stamper. It is submitted that one of ordinary skill in this art knows the value of a uniform thickness stamper or other structure disposed below it (ie, an insulative insert) so that uniform thickness discs would be produced. It is further submitted that it would have been obvious to have modified the method of Feist et al by grinding the exposed surface of the stamper/insert as generally taught by Japanese –263 to ensure that uniform thickness disks are made therefrom. The exact variation in thickness of the managed heat transfer layer would have been within the skill level of the art and determined through acceptable disk tolerances. The materials as set forth in instant claims 9 and 10 for the managed heat transfer layer are disclosed in Feist et al—see column 4, lines 20-32.

4. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feist et al in view of Japanese Kokai 1-153263 and Higashida et al (see 115 in Fig. 5). Feist et al and Japanese –263 are applied for reasons of record as set forth in paragraph 3, supra, the references essentially lacking the aspect of a lubricant being applied to the insert exposed surface. Higashida et al discloses using a fatty acid liquid for lubricating between a stamper and mold and the instant lubricants would have been

obvious choices in lieu of the disclosure of Higashida et al. It would have been obvious to one of ordinary skill in the art to modify the method of Feist as generally taught by Higashida et al to reduce the wear on the stamper. The exact thickness of the lubricating layer would have been an obvious feature dependent on injection pressure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 703 308-2621. The examiner can normally be reached on Mon-Fri from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on 703 305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot
December 5, 2003

M. Vargot
Mathieu D. Vargot
Primary Examiner
Art Unit 1732

12/5/03